

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MONTANA MEDICAL  
ASSOCIATION, et al.,

Plaintiffs,

and

MONTANA NURSES  
ASSOCIATION,

Plaintiff-Intervenor,

vs.

AUSTIN KNUDSEN, et al.,

Defendants.

CV 21–108–M–DWM

ORDER

Plaintiffs seek to file Exhibit 35 to the Declaration of Justin K. Cole under seal and have filed an unopposed motion for leave to do so pursuant to District of Montana Local Rule 5.2. (Doc. 88.) Because there is not a compelling reason to do so, their motion is denied.

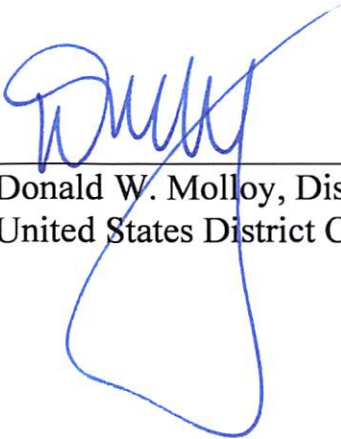
There exists “a general right to inspect and copy public records and documents, including judicial records and documents.” *Nixon v. Warner*

*Commc'ns, Inc.*, 435 U.S. 589, 597 (1978) (footnotes omitted). There is also “a strong presumption in favor of access to court records.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). The party seeking to seal records may overcome this presumption by showing that there is a “compelling reason” to do so. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096–97 (9th Cir. 2016).

Exhibit 35 contains redacted versions of nine Final Investigative Reports from the Human Rights Bureau involving alleged violations of Mont. Code Ann. § 49–2–312. (Doc. 89.) While Defendants produced these thoroughly redacted versions of the Final Investigative Reports pursuant to a “Stipulated Confidentiality Agreement,” the redacted Final Investigative Reports do not harm the individual privacy interests of the parties discussed therein. *See, e.g., Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1183 (9th Cir. 2006) (rejecting a “blanket protective order” as a showing of compelling reasons to justify sealing court records). Therefore, there is no compelling reason to file Exhibit 35 under seal. Notably, a separate Final Investigative Report regarding § 49–2–312 was filed in the public record without objection on August 26, 2022. (Doc. 86-35.) Accordingly,

IT IS ORDERED that Plaintiffs' unopposed motion for leave to file Exhibit 35 under seal, (Doc. 88), is DENIED. The Clerk is directed to unseal lodged documents. (Doc. 89.)

DATED this 13<sup>th</sup> day of October, 2022.



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Donald W. Molloy, District Judge  
United States District Court